

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

KAREN A. SCOTT

Plaintiff,

V.

WHITFIELD FOODS, INC.

Defendant.

**CIVIL ACTION NO.:
2:06-CV-1157-WKW**

**MOTION TO DISMISS OR, IN THE ALTERNATIVE,
MOTION FOR MORE DEFINITE STATEMENT**

COMES NOW Defendant Whitfield Foods, Inc. (“Defendant”), pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, and moves this court to dismiss Plaintiff Karen A. Scott’s (“Plaintiff”) Complaint for failure to state a claim upon which relief may be granted. In the alternative, Defendant moves this Court to compel Plaintiff to provide a more definite statement pursuant to Rule 12(e) of the Federal Rules of Civil Procedure. In support of this Motion, Defendant relies upon the Memorandum of Law filed herewith.

Respectfully submitted,

s/Carter H. Dukes

Carter H. Dukes
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Attorneys for Defendant
Whitfield Foods, Inc.

OF COUNSEL:

HUCKABY SCOTT & DUKES, P.C.

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Karen Sampson Rodgers
Karen Sampson Rodgers, LLC
459 South McDonough Street, Suite 5
Montgomery, Alabama 36104-4354

DONE this the 25th day of January, 2007.

/s/ Carter H. Dukes
Of Counsel